

**FWS ENVIRONMENTAL ACTION STATEMENT SCREENING FORM  
FOR SAFE HARBOR AGREEMENTS (SHA)**

**I. Project Information**

**A. Project name:** Crestmont Farm Safe Harbor Agreement for Taylor's Checkerspot butterfly

**B. Affected species:** Taylor's checkerspot butterfly (*Euphydryas editha taylori*)

**C. Project size (in acres):** The geographical area covered by this Safe Harbor Agreement (SHA) is 26.8 acres.

**D. Brief project description including conservation elements of the plan:**

Taylor's checkerspot only occur in two areas in Oregon. This project area includes the majority of the individuals known to occur within one of those two areas. Existing habitat conditions are in a degraded state and may further degrade due to encroachment of non-native pasture grasses and woody vegetation without some intervention. The current numbers of butterflies are at a low level and may decline to the point of not being able to be self-sustaining.

The primary objectives of the SHA are to maintain, restore, and increase the amount of available suitable habitat for the Taylor's checkerspot. The existing baseline of occupied habitat is just under two acres. Some incidental take may occur associated with management activities such that Crestmont Farm is applying for a section 10(a)(1)(A) enhancement of survival permit (permit).

Potential restoration actions include mowing, spraying with herbicides, and planting of nectar plants for adults and larval host plants. Surveys will be conducted for Taylor's checkerspots annually and to monitor responses to management activities and to assess population trends. The amount of treated and managed area depends upon available funding. The duration of the SHA and permit is 10 years. Crestmont Farm may return their enrolled property to baseline conditions for the butterfly after they have undertaken these voluntary efforts to benefit the species.

**II. Does the SHA fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?** *The answer must be "yes" to all three questions below for a positive determination. Each response should include an explanation. If the answer is "no" to any question, the action cannot be categorically excluded, and an Environmental Assessment or an Environmental Impact Statement must be prepared.*

**A. Will the issuance, denial, suspension, and revocation of permits for activities involving fish, wildlife, or plants regulated under 50 CFR Chapter 1, Subsection B, cause no or negligible environmental disturbance? (516 DM 8.5(C)(1))**

Yes. The area has been maintained as a powerline corridor for decades and is mostly covered by grasses and a few small pockets of trees. There is an existing gravel road that

is used by Crestmont Farm personnel and powerline corridor maintenance personnel and receives routine maintenance activity. Existing baseline conditions occurring on less than two acres will be maintained and/or not adversely impacted by the management activities. Under the permit, the primary emphasis is to restore some favorable Taylor's checkerspot habitat outside of the current known occupied areas. While the total area covered by the Agreement is just over 26 acres, only a fraction of this area (likely no more than five acres) will receive any specific management. Issuance of the permit will result in a negligible change in management intended to replace some of the existing invasive pasture grass cover with more native grasses and flowering plants. Altering a small portion of the vegetative community to establish more native grasses and forbs through mowing, spraying of herbicides and seeding, which already occurs, is going to have negligible environmental disturbance.

**B. Are the effects of the SHA minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.)? (40 CFR 1508.14; 43CFR 46.205)**

Yes. Ground disturbance is expected to be minimal, since heavy machinery is not required for maintaining or improving grass-dominated habitats. The area is an upland site on which vegetation is to be maintained such that water quality and quantity should not be affected. The proposed activities will occur on private land with very limited access that has been managed for many years and are expected to have minor, negligible, or no effect on environmental, socio-economic or cultural values or resources. Maintaining the existing upland conditions in a grass-dominated plant community will have minor or negligible effects on visual resources. Since the land is privately owned and fenced, the permit will have no effect on recreation, or neighboring landowners, and will not have any effects associated with environmental justice. The SHA occur in a powerline corridor has previously been disturbed for its creation and maintenance and will have no effect on continued operation of the corridor. Little to no additional ground surface disturbance will occur such that there will be no to negligible effects on cultural resources.

**C. Would the incremental impacts of this SHA, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) not result, over time, in a cumulative effects to the human environment (the natural and physical environment) which would be considered significant? (40 CFR 1508.7; 43CFR 46.205) The same concept is also included in the exception to categorical exclusions, III. F. below.**

Yes. The impacts, under the SHA are not expected to result in significant cumulative effects to environmental values or resources due to the limited nature of the activities (e.g., vegetation management on small acreage that has been previously disturbed and managed). Previous Taylor's checkerspot restoration efforts have primarily involved

seeding and herbicide application with no ground disturbance in occupied areas. There are no other SHA's involving positive baseline conditions that are reasonably foreseeable at this time. The types of potential management activities, the small acreages of occupied habitats, and the unlikelihood of a similar SHA, lead us to conclude that similar future actions, should they occur, would not rise to the level of significance.

**III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this SHA?** *If the answer is "yes" to any of the questions below, the project cannot be categorically excluded from additional NEPA analysis, and an Environmental Assessment or an Environmental Impact Statement must be prepared. Each "no" response should include an explanation.*

**Would implementation of the SHA:**

**A. Have significant impacts on public health or safety?**

No. The proposed activities on fenced, privately-owned land will only occur on limited acreage and are routine methods of controlling vegetation that have been previously occurring and are in common practice. Managing and restoring grassland habitats on the covered lands is not expected to have significant impacts on public health or safety.

**B. Have significant impacts on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?**

Activities that may occur on the covered lands are not expected to result in any major ground disturbance that could affect the types of resources listed above. The covered lands are in private ownership, so no Federal resource lands that fit the categories above will be affected. The covered lands are considered upland grassland. There are no places on the covered lands listed on the Department's National Register of Natural Landmarks. The Service will ensure that all on-the-ground work is in compliance with the National Historic Preservation Act so there should be no adverse effects on historic or cultural resources. A review under section 106 of the National Historic Preservation Act of 1966 to determine if any historic or cultural resources might be affected by any proposed activities potentially covered by the requested permit as implemented under the associated SHA will be conducted to address any proposed ground disturbance activities. Any potential significant impacts to any identified historic or cultural resources will be avoided or appropriately mitigated so as to be insignificant.

**C. Have highly controversial environmental effects?** *see 43 CFR 46.30 for definition of controversial*

No. The area has been actively managed to address woody species encroachment and invasive weeds. Proposed conservation measures will continue some of those on-going

measures as well as more specifically target reduction of non-native grasses to allow for establishment of additional forbs. Improving the habitat quality is not going to change the overall character of the landscape that will in any way be controversial. Activities that will occur on the covered lands are not expected to affect adjacent properties.

**D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?**

No. Management activities have been on-going on the covered lands and the proposed activities are a more targeted approach to address the habitat needs of Taylor's checkerspots. The proposed activities will only occur on limited acreage and are routine methods of controlling vegetation that are in common practice. Managing and restoring grassland habitats does not pose highly uncertain, unique or unknown environmental risks.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?**

No. As mentioned above, the types of activities that may occur under the Agreement have been occurring for many years and are not uncommon. Targeted habitat improvements using common restoration practices that are site specific are not expected to set a new precedent that could result in potentially significant environmental effects.

**F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?**

No. As mentioned above, the impacts of the activities associated with the Agreement, even considered with other similarly situated projects, are not expected to result in significant cumulative effects to environmental values or resources due to the limited nature of the activities and the limited total area that will be affected overall.

**G. Have significant adverse effects on properties listed or eligible for listing on the National Register of Historic Places?**

No. Based on a review of the National Register of Historic Places, there are no properties listed or eligible for listing within the project area. The powerline corridor has been in existence since at least 1949 when the first line was built, and a second line was built in the corridor in 1956. The corridor has been routinely maintained by mowing, brush hogging, herbicide application, tree removal, road maintenance, and power pole replacement, etc.

**H. Have significant impacts on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?**

No. The only listed species that may be affected is Taylor's checkerspot butterfly. The proposed actions will only occur on a relatively small acreage as financial resources

become available. While a net benefit to the species is anticipated, some short-term adverse effects may occur as activities are implemented. Under this SHA, 1.8 acres of the 26.8 acres of the covered lands are considered occupied by Taylor's checkerspot and will be maintained as habitat. The covered lands occur within a powerline corridor and are mostly composed of non-native grasses with some patches of trees and shrubs. Proposed management actions include invasive species control and measures such as mowing to curb woody invasion and areas of high-stature grasses. These management actions should enhance habitat for both adult and larval forms of Taylor's checkerspot.

A 16.6 acre portion of Taylor's checkerspot designated critical habitat subunit 4D is found within the covered lands. The agreed upon baseline area, totaling just under two acres, will be maintained. Within and outside of the baseline area, the intent is to improve the essential physical and biological features within portions of the covered lands that are capable of supporting them. Management actions within the ten year term of the SHA are not expected to have significant effects on designated critical habitat, but are intended to improve habitat conditions. This is due to the small area likely to be managed, and net effects of those management actions within ten years.

**I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment?**

No. Prior to conducting work, all permits will be obtained and regulations will be followed, as applicable.

**J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?**

No. Management actions under the SHA will occur entirely on private lands and will only involve vegetation management on a portion of those private lands. These actions will have no disproportionately high and adverse effect on low income or minority populations.

**K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?**

No. The covered lands are in non-federal, non-tribal ownership. No Federal resource lands that fit the categories above will be affected.

**L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?**

No. Management actions are intended to restore grassland habitat, in part, through the reduction, elimination, or otherwise control of noxious and invasive species. Noxious

and invasive species are one of the primary factors responsible for the Federal listing of the Taylor's checkerspot as an endangered species.

#### **IV. ENVIRONMENTAL ACTION STATEMENT**

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the analysis above, the Crestmont Farm Safe Harbor Agreement for Taylor's Checkerspot butterfly Project meets the qualifications for a Safe Harbor Agreement whose implementation represents a class of actions which do not individually or cumulatively have a significant effect on the human environment. Therefore, this action is categorically excluded from further NEPA documentation as provided by 43 CFR 46.215; 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents (list): none needed

Signature Approval:

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Paul Henson

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Date

State Supervisor

Oregon Fish and Wildlife Office